

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VERNITA MIRACLE-POND and  
SAMANTHA PARAF, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

SHUTTERFLY, INC.,

Defendant.

Civil Action No. 1:19-cv-4722

District Judge Mary M. Rowland

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff respectfully submits this Notice of Supplemental Authority regarding *OConner et al. v. Agilant Solutions, Inc.*, Case No. 1:18-cv-6937-GHW (S.D.N.Y. March 12, 2020) (copy attached), in further support of Plaintiffs' Motion for Curative Measures to Remediate Effects of Defendant's Improper Communications With Plaintiff and Putative Class Members, filed on November 26, 2019 (ECF No. 38). In *OConner*, the District Court ruled that a defendant's communications were improper, misleading, and coercive where the defendant attempted to impose an arbitration agreement on putative class members without informing them that, by agreeing to the arbitration agreement, they would forfeit their right to participate in the pending litigation. The Court held that defendants' communications "warrant correction," and declared the arbitration agreement unenforceable.

Respectfully submitted,

By: /s/ Henry J. Kelston

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2020, I caused a true and correct copy of the foregoing **NOTICE OF SUPPLEMENTAL AUTHORITY** to be served upon counsel of record for Defendant in accordance with Fed. R. Civ. P. 5(b)(2) and Local Rule 5.3(a)(1).

By: /s/ Henry J. Kelston  
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